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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,094	08/20/2003	Tomohiro Shinoda	3022-0019	4947
20457	7590	10/14/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			HOTALING, JOHN M	
		ART UNIT	PAPER NUMBER	
			3714	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,094	SHINODA, TOMOHIRO	
	Examiner	Art Unit	
	John M. Hotaling II	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. In the specification page 1 reference is made to an incorporation by reference. Specifically, "This application is related to a co-pending U.S. patent application entitled "Gaming Machine and Server Therefor", the application being filed on even date herewith. The co-pending application is expressly incorporated herein by reference." It is unclear which co-pending application is incorporated by reference and if any subject matter of the copending application is used in the instant application to include the material incorporated by reference. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f). Other corrections that adjudicate this discrepancy will be considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 6-10, 13-17, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Chung et al US Patent 6,877,096. With respect to claims 1,2, 8,9 and 15 please see 5:48-6 and figures 1-3 which disclose a 3d element with a RFID a microprocessor (figure 3 processor) and a control gate array and a connector (figure 3 RFID and 3:55-4). With respect to 3, 7, 10, 14, 17, and 21 please see column 5:1-14 which discloses a stored character data set and 4:50-60 which discloses a stored interactive game. With respect to claims 6, 13 and 20 please see item numbers 100 and 105 and the portions of the specification that are relative to the 3d operating piece.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5, 11-12, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al US Patent 6,877,096 as applied to the claims above in view of Stamper GB 2,334,456. Chung discloses all of the instant application as discussed above but lacks in disclosing selecting initial data sets randomly which may include a bonus data set which provides a predetermined profit in a game. In an analogous invention to Stamper therein is disclosed a 3d piece that has information stored thereon which is capable of storing initial information concerning the nature of an object to be used in a computer game. Then, some or all of the information stored can be altered through game progress or player intervention. One of ordinary skill in the art of Role Playing Games (RPG) would easily understand the use of making a data set for use in defining a player character from an initial data group and assigning a bonus attribute that gives the player a predetermined advantage (profit) since such as is notoriously well known in the art of RPG's. Page 3 discloses that it allows an object to be imported into a game and the objects characteristics to be changes with the use of the object in the game setting. Page 9 discloses what it stored on the ROM such as an ID code which tells the game character information, character ability data and performance statistics. It would be obvious to one of ordinary skill in the art to use what is well known in the art of role playing games to generate characters to be used in a computer simulation using the motivation provided by Chung on column 6 that complete application functionality is present on, or directly accessible to the computer by means

of the storage device and the discs determine the degree of functionality or features to which the user is accorded access.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Borion '949 discloses a gaming chip with an RFID

Nicholson et al '949 discloses a high temp RFID tag

Niahizaki et al '535 discloses a IC card system for a game machine

Grady '387 discloses a card reader and scanning device

Brown '144 discloses a trading card collector

Narita '044 discloses a RPG

Peppel '206 disclose a trading card game

Tomon '862 discloses a non-contact information communication system

White et al '870 discloses a data communication apparatus

Suzuki '139 discloses a information processing apparatus

Nakamura '162 discloses a game machine with information storage medium

Bukovsky '856 discloses an internet gaming system

Hongo '077 discloses a game with identifiable pieces

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JOHN M. HOTALING, II
PRIMARY EXAMINER**

October 11, 2005